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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,522	03/07/2002	Toshinori Marutsuka	K&Y-169	8305

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EXAMINER	
BOYKIN, TERRESSA M	
ART UNIT	PAPER NUMBER
1711	

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/091,522	MARUTSUKA, TOSHINORI	
	Examiner	Art Unit	
	Terressa M. Boykin	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 March 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *7/30/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6255031 note abstract, figures 1A-1C, col. 2 line 9 through col. 15 line 8.

Applicants' claims are directed to a near infrared-cutting material produced by forming, on a transparent substrate, a transparent resin film containing at least a near infrared absorbing-dye and a dye having a maximum absorption wavelength at 550 to 620 nm, wherein the amount of the solvent remaining in the transparent resin film is 5 ppm by weight to less than 500 ppm by weight.

The reference **US 6255031** discloses a near infrared absorbing film, and multi-layered panel comprising the film wherein the film and the multi-layered sheet panel according to preferred embodiments of the present invention include a near-infrared-absorbing, single-layered or multi-layered film that has an absorbing layer of a

near-infrared-absorbing dye dispersed in a transparent polymer resin, and a near-infrared-absorbing, multi-layered sheet panel including such a novel film, respectively. The reference further relates to a *near-infrared cut-off filter* to be used, for example, for light-receiving sensitivity correction or color tone correction in photodiodes or solid image sensor (CCD) cameras used in light-receiving devices or image pickup devices in optical appliances, and also to a film or panel to be used for detecting forged cash cards and ID cards. The multi-layered sheet referred to herein is prepared by laminating functional films, including the film according to the present invention, on a substrate which has a shape-retaining function and is transparent.

The reference further discloses an absorbing layer of a near-infrared-absorbing dye dispersed in a transparent polymer resin, which is in the near-infrared-absorbing panel of the preferred embodiments of the present invention, may be any of a film formed from a uniform solution of a near-infrared-absorbing dye and a polymer resin provided in a solvent through casting; a film formed by applying a uniform solution of a near-infrared-absorbing dye and a polymer resin provided in a solvent onto a transparent film of polyester, polycarbonate or the like through coating; a film formed through melt extrusion of a near-infrared-absorbing dye and a polymer resin; a film formed by polymerizing and solidifying a uniform mixture of a near-infrared-absorbing dye and a monomer; or a film formed through deposition of a near-infrared-absorbing dye along with a metal, a metal oxide or a metal salt on a transparent plastic film. Any one or more of these film layers may be included in a panel, either singly or combined with other film layers.

The reference further discloses that an especially important characteristics of near-infrared-absorbing panels are the absorbability for near-infrared rays, and more specifically, those falling within a wavelength range of from about 850 nm to about 1200 nm, the transmittance for visible rays, and more specifically, those falling within a wavelength range of from about 400 nm to about 800 nm, and the color tone.

The reference also discloses that metal-deposited polyester films, glass sheets, acrylic sheets or polycarbonate sheets as the electromagnetic radiation-absorbing layer in the panel, which, however, are not whatsoever limitative may be used. However, in general, preferred are polycarbonates, polyacrylonitriles, polymethyl methacrylates, polystyrenes, and polyesters. Especially preferred are polycarbonates in view of their heat resistance, and polymethyl methacrylates in view of their transparency and abrasion resistance. Glass is also preferred for increasing the mechanical strength and the heat resistance of the panel.

The reference also states that any and every dye having near-infrared absorbability is usable in forming the absorbing layer to be in the near-infrared-absorbing panel of preferred embodiments of the present invention. For example, the dyes usable in preferred embodiments of the present invention include polymethine dyes (cyanine dyes), phthalocyanine dyes, naphthalocyanine dyes, dithiol-metal complex dyes, naphthoquinone dyes, anthroquinone dyes, triphenylmethane dyes, aminium (or aluminium) dyes, di-immonium dyes, etc.

Note, lastly, that the coating method used herein, a film or panel is coated with the solution having been prepared in the manner noted above, which is then dried to form a film layer thereon. For example, where a transparent or other functional film is coated with the solution, any ordinary coating machine is capable of being used. Using the machine, the film to be coated is moved at a speed of from a few meters/min to tens meters/min, while the solution is extruded through a T-die onto the moving film, and *the thus-coated film is dried in the next drying zone where the solvent is removed,* and thereafter the thus-dried film is wound up. In the machine, the series of this coating process is completed automatically.

In view of the above, the reference discloses a near infrared material which may be used as a cutting material for light-receiving sensitivity correction or color tone correction in image devices in optical appliances etc. which appears to be prepared from the same components as claimed by applicants. In view of the above, there appears to be no significant difference between the reference and that which is claimed by applicant(s). Any differences not specifically mentioned appear to be conventional. Consequently, the claimed invention cannot be deemed as novel and accordingly is unpatentable.

Correspondence

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Terressa Boykin, via the receptionist whose telephone number is (703) 308-2351. The examiner can normally be reached on Monday through Friday from 8:00a.m.-5:30 p.m.

tmb

Examiner Terressa Boykin
Primary Examiner
Art Unit 1711